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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on
Economic, Social and Cultural Rights

Nigeria

1. The Committee considered Nigeria's initial report (E/1990/5/Add.31) at its 6th to 9th meetings held from 29 April to 1 May 1998 and adopted 1/ the following concluding observations:

A. Introduction

2. The Committee welcomes the presentation of Nigeria's initial report as well as the presence before the Committee of a delegation drawn from Nigeria's Permanent Mission at Geneva. The Committee regrets that no expert delegation could come from the capital and also the fact that Nigeria's initial report did not conform to the guidelines the Committee has established and that the additional information was received too late to be translated. Furthermore, the Nigerian delegation acknowledged that it was not equipped with the detailed and up-to-date facts and statistics required to satisfactorily answer the list of issues submitted by the Committee to the Nigerian Government 11 months earlier. Additional information promised by the delegation during the dialogue was never received.

1/ At its 22nd to 24th meetings (eighteenth session), held on 13 May 1998.

B. Factors and difficulties impeding the implementation of economic, social and cultural rights

3. The enjoyment of economic, social and cultural rights is hindered by the absence of the rule of law, the existence in Nigeria of military governments, the suspension of the Constitution in favour of rule by military decree and the concomitant resort to intimidation, and the negative effects of widespread corruption on the functioning of governmental institutions.

4. The Nigerian people are deprived of the necessary judicial protection of their human rights because the judiciary is undermined by "ouster clauses" attached to many military decrees as well as by the military Government's refusal to implement the judiciary's decisions.

5. The negative attitude of the Government of Nigeria with respect to the promotion and protection of human rights in general, and economic, social and cultural rights in particular, is further illustrated by its refusal to cooperate with the United Nations human rights mechanisms, in particular the Special Rapporteur of the Commission on Human Rights and the Secretary-General's fact-finding mission.

C. Positive aspects

6. The Committee welcomes the establishment of the Nigerian Human Rights Commission, although it notes that the powers and independence of the Commission have been the subject of criticism. The Commission has made salutary recommendations in the field of human rights and has recommended the creation of prison inspection committees. Many of the Commission's recommendations, however, have gone unheeded.

7. The Committee welcomes the establishment of a Ministry for Women's Affairs which is now responsible for the welfare of women and children. Small improvements have also been made in women's participation in the political process. Three women have been included in the current Cabinet.

8. It also welcomes the establishment of the National Child Rights Implementation Committee and the preparation of a National Child Plan of Action.

9. The Committee takes note of the statement by the delegation to the effect that Nigerian education and health sectors have, as from 1998, received more attention and larger budgetary allocations with substantial increases for infrastructure, health and education.

D. Principal subjects of concern

10. The Committee notes with regret that the Special Rapporteur of the Commission on Human Rights, as noted in his report (E/CN.4/1998/62), has not been permitted to visit the country and that the Nigerian Government failed to heed the appeals and concerns expressed by the Secretary-General's fact-finding mission, the decisions of the African Commission on Human and

Peoples' Rights and the statements of the Nigerian Human Rights Commission, the Commonwealth Ministerial Action Group and the International Labour Organization.

11. The Committee expresses its regret that the Nigerian authorities deemed it fit to expel an estimated 500 Chadian and other workers in inhuman and undignified circumstances, including persons with residence permits who had been legally established for many years in Nigeria and had participated in and contributed to the social security system. No adequate compensation is known to have been made to the majority of them.

12. In the light of the foregoing, and substantiated by the report of the Special Rapporteur of the Commission and by the latter's resolution 1998/64 of 21 April 1998 regarding the human rights situation in Nigeria, as well as by the many other reports of independent international organizations and NGOs (all the relevant material having been made available to the Nigerian delegation before and throughout the dialogue), the Committee draws the conclusion that the rule of law is absent in Nigeria, with the attendant extensive violations affecting all aspects and domains of economic, social and cultural rights in the State party.

13. The Committee is concerned about the high percentage of unemployment and underemployment among Nigerian workers, particularly agricultural workers, due to the neglect of the agricultural sector. This has led to massive migrations by agricultural workers in search of work to the cities, where they live in poverty and degrading conditions.

14. The Committee expresses its concern that women suffer discrimination in the workplace, particularly with respect to access to employment, promotion to higher positions and equal pay for work of equal value.

15. The Committee is concerned that the Executive Councils of the Nigeria Labour Congress, (NLC), the National Union of Petroleum and Natural Gas Workers (NUPENG) and the Petroleum and Natural Gas Senior Staff Association (PENGASSAN) were dissolved in 1994 by military decree and that military administrators have been appointed to run these trade unions since then. The Committee further notes with concern that the military Government has also decreased the number of labour unions from 42 to 29 and has prevented unions from associating with international federations of labour unions. In spite of repeated recommendations by the ILO, violations continue to persist. In this regard, the Committee regrets that the Nigerian Government has refused to receive the visit of a direct contacts mission of the ILO to discuss these matters.

16. The Committee is greatly concerned at the fate of the NUPENG General Secretary, Frank Kokori, and the PENGASSAN General Secretary, Milton Dabibi, who have been imprisoned for four and two years respectively, without being charged or tried. The Nigerian delegation could not explain why they have not been charged or tried until now.

17. The Committee expresses its deep concern over repeated violations of the right to strike, wherein industrial action by workers seeking higher salaries have been repressed by the Government under the pretext of State security.

18. The Committee expresses its concern about the Government's policy of retrenchment aimed at dismissing up to 200,000 employees in the public sector, without adequate compensation. The Committee notes with concern that in 1997 the military Governor of the State of Kaduna issued a decree dismissing 22,000 workers of the Kaduna State Civil Service when they went on strike.

19. It also expressed its dissatisfaction with the implementation of the inadequate social security system. The delegation indicated that the Nigerian Government does not interfere with the private sector, where most workers are now engaged. No statistics or other information were provided about the degree of enjoyment by employees of the private sector of their social security rights. Nor are there any statistics about the Government's attempts to spread the social security net to cover the majority of the unemployed poor. The National Nigerian Insurance Trust Fund does not cover all the needy. In the private sector, social security benefits are voluntary, depending on employers' whims.

20. The Committee deplores the failure of the Government of Nigeria to abolish female genital mutilation, a practice which is incompatible with the human rights of women and in particular with the right to health. According to UNICEF, the prevalence of female genital mutilation in Nigeria is estimated to be 50 per cent of the female population.

21. The Committee condemns the continuing existence of legal provisions which permit the beating ("chastisement") of women by their husbands.

22. The Committee notes with concern that polygamy, a practice which is very often incompatible with the economic, social and cultural rights of women, is widespread in Nigeria.

23. The Committee expresses its deep concern about the rising number of homeless women and young girls, who are forced to sleep in the streets where they are vulnerable to rape and other forms of violence.

24. Children are not much better off. Many resort to prostitution to feed themselves. The rate of school drop-outs at the primary school age is over 20 per cent. Twelve million children are estimated to hold one job or another. For those who go to school, up to 80 or more are crammed into dilapidated classrooms originally meant to take only a maximum of 40. They are the first to suffer the results of broken marriages. Nigerian law does not provide equal treatment to children born in wedlock and those born out of wedlock. Most alarming is the widespread problem of children suffering from malnutrition. Almost 30 per cent of Nigerian children suffer from malnutrition and its damaging consequences. According to UNICEF, all available evidence shows that hunger and malnutrition are prevalent in Nigeria.

25. The Committee is greatly disturbed that 21 per cent of the population of Nigeria live below the poverty line in spite of the country's rich natural resources. The Committee further notes with concern that due to economic and administrative mismanagement, corruption, runaway inflation and the rapid devaluation of the naira, Nigeria now ranks among the world's 20 poorest countries.

26. According to World Bank estimates at least 17 million Nigerians many of whom are children, are undernourished. The gap is widening between the (increasing) rate of population growth and the demand for food on the one hand, and the (falling) rate of food production, on the other hand. Nigeria has moved from an exporter of food items to a net importer.

27. The Committee is appalled at the great number of homeless people and notes with concern the acute housing problem in Nigeria where decent housing is scarce and relatively expensive. The urban poor, especially women and children, are forced to live in makeshift shelters in appalling and degrading conditions presenting hazards for both physical and mental health. Safe, treated pipe-borne water is available to about 50 per cent of urban dwellers but to only 30 per cent of rural inhabitants. In general, only 39 per cent of Nigeria's population has adequate access to clean drinking water.

28. The Committee notes with concern that gross under-funding and inadequate management of health services during the last decade had led to the rapid deterioration of health infrastructures in hospitals. The capital allocation for health and social services in the 1996 budget was N 1.7 billion, only 3.5 per cent of all capital allocations to federal ministries. Frequently, hospital patients not only have had to buy drugs, but have also had to supply needles, syringes and suture thread, in addition to paying for bed space. As a result many Nigerian doctors have chosen to emigrate.

29. The Committee notes with alarm the extent of the devastation that oil exploration has caused to environment and the quality of life in those areas, including Ogoniland where oil has been discovered and extracted without due regard for the health and well-being of the people and their environment.

30. The Committee regrets the fact that the Government's social and health allocations are consistently diminishing and that the authorities have reintroduced primary school fees in certain states and imposed hospital charges where they did not exist before.

31. Schoolchildren often have to carry their desks and chairs from their homes to the school. According to reports by UNICEF, there has been a marked reduction in school-age children going to school as parents cannot afford to pay the new drastically increased school fees for primary and secondary school. Recent poor educational quality is due partly to little teacher attention being devoted to schoolwork because of poor salaries, leading to incessant strikes and school closures.

32. University fees increased dramatically in 1997 and students in some universities, especially in southern Nigeria, were required to pay 10 times as much as other students. In addition, satellite campuses were forced to close for no particular reason.

33. The military authorities have found intellectuals, journalists, university professors and university students to be easy targets for repression or persecution on the pretext that they constitute the most vociferous and dangerous political opposition. One of the major university campuses has been put under military guardianship. Universities have suffered

repeated and long periods of closure. There is also a brain drain in academia, as a result of political and academic instability as well as the extremely low salaries of university professors.

E. Suggestions and recommendations

34. The restoration of democracy and the rule of law are prerequisites for the implementation of the International Covenant on Economic, Social and Cultural Rights in Nigeria. Elimination of the practice of governing by military decree and the strengthening of the authority of the Nigerian judiciary and the Human Rights Commission are necessary first steps in restoring confidence in the regime's intention to reinstitute democratic civilian rule.

35. The Committee urges the Nigerian Government to open up to United Nations bodies, specialized agencies and other international organizations and to conduct constructive and transparent dialogues with them, as a necessary step towards the restoration of confidence in Nigeria's intention to implement its human rights obligations, including those under the Covenant.

36. The Committee calls upon the Nigerian Government to restore a democratic political system and respect for the rule of law, which is a prerequisite for the development of a system of government which promotes full respect for economic, social and cultural rights. Respect for trade union freedoms and academic freedom should also be restored urgently.

37. The Committee urges the Government, in the strongest terms, to release trade union leaders and members, including in particular those named in paragraph 16 above, who have been imprisoned without being charged or tried. Harsh prison conditions should be alleviated and political prisoners freed and pardoned. The rights of labour unions and syndicates should be restored and respected.

38. The rights of minority and ethnic communities - including the Ogoni people - should be respected and full redress should be provided for the violations of the rights set forth in the Covenant that they have suffered.

39. The Committee calls on the Government to cease and prevent, in law and in practice, all forms of social, economic and physical violence and discrimination against women and children, especially the continuous, degrading and dangerous practice of female genital mutilation.

40. Likewise, the Nigerian Government should enact legislation and ensure by all appropriate means the protection of children against the many negative consequences ensuing from child labour, dropping out of school, malnutrition, and discrimination against children born out of wedlock.

41. The Nigerian Government should take steps to meet the targets it has accepted in relation to Education for All by the year 2000 and should enforce the right to compulsory, free primary education.

42. The Committee urges the Government of Nigeria to cease forthwith the massive and arbitrary evictions of people from their homes and to take such measures as are necessary to alleviate the plight of those who are arbitrarily evicted or are too poor to afford decent accommodation. In view of the acute shortage of housing, the Government should allocate adequate resources and make sustained efforts to combat this serious situation.

43. The Committee recommends that a more positive and open dialogue between the Committee and the Nigerian Government can be undertaken and maintained. The Government need not wait until its next report is due in five years' time; the Committee calls upon the Government to submit a comprehensive second periodic report, prepared in conformity with the Committee's guidelines, by 1 January 2000.

44. The Committee urges the State party to disseminate the present concluding observations widely.